

REMARKS

Claims 1-7, 11, and 14-16 are currently pending. By this response to the non-final Office Action dated March 4, 2008, claims 1-5 and 11 are amended, and new claims 14-16 added. No new matter has been introduced. Favorable reconsideration of the application in light of the foregoing amendments and following comments is respectfully solicited.

A telephone interview on April 28, 2008 among Examiner Clark and Eric M. Shelton, registration number 57,630, is acknowledged with appreciation. Mr. Shelton explained that the concept of transcoding from MPEG-1 to MPEG-4 disclosed by Yoo is not equivalent to the “code translation” recited in the claims. Helpful guidance during the interview was noted, and has been incorporated into this amendment.

In section 3 of the Office Action, objections are made to the specification. Applicants respectfully submit that the paragraph beginning at page 3, line 2 provides a reasonable summary of an embodiment of the invention in accord with claim 1. Further, a more detailed description of embodiments of the invention is provided in the section entitled “BEST MODE FOR CARRYING OUT THE INVENTION.” Accordingly, Applicants respectfully submit that the cited portion of the specification is not defective. Additionally, with respect to the objection of section 3(b) of the Office Action, the cited portion of the specification has been amended to remedy clerical errors. In view of the above, Applicants respectfully request withdrawal of the objections to the specification.

In section 5 of the Office Action, claims 1, 3, 4, and 6-13 were rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite. Applicants respectfully submit that the claims, as amended, comply with 35 U.S.C. § 112, ¶ 2, and request withdrawal of the rejections.

In section 16 of the Office Action, claims 1-3 and 11-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent App. Pub. No. 2002/0110193 (Yoo). In section 24 of the Office Action, claims 4 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoo in view of U.S. Patent App. Pub. No. 2002/0067768 (Hurst). In section 25 of the Office Action, claims 6-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoo in view of U.S. Patent No. 6,529,550 (Tahara). Applicants respectfully traverse.

Claim 1 recites, *inter alia*, generating an output code by modifying an input code stored in a hierarchical data structure, in which a user code is moved from a first to a third level in the hierarchical data structure, and wherein main data at a second level in the hierarchical data structure is identical in the input and output codes. Applicants respectfully submit that the transcoding disclosed by Yoo does not disclose or suggest all of the limitations recited in claim 1 as amended, at least because according to Yoo the main data in the original MPEG-1 data is modified before being stored as part of the output MPEG-4 data. With respect to further combining Hurst or Tahara with Yoo, Hurst and Tahara, either individually or in combination, do not bridge the gap between claim 1 and Yoo. Thus, Applicants respectfully submit that claim 1 is neither anticipated by, nor obvious in view of, the cited art, and request withdrawal of the rejections of claim 1, as well as dependent claims 2-7, as “dependent claims are nonobvious if the independent claims from which they depend are nonobvious.” *In re Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992).

Regarding claims 11 and 14-16, Applicants respectfully submit that claim 11 as amended is not anticipated or obvious in view of the cited art, for reasons similar to claim 1. Thus, Applicants respectfully request withdrawal of the rejection of claim 11, and allowance of new dependent claims 14-16.

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


Michael E. Fogarty
Registration No. 36,139

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF/EMS:cac
Facsimile: 202.756.8087
Date: June 5, 2008

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